

Timothy K. Conde (10118)
timothy.conde@stoel.com
Jordan C. Bledsoe (15545)
jordan.bledsoe@stoel.com
STOEL RIVES LLP
201 S Main Street, Suite 1100
Salt Lake City, UT 84111
Telephone: 801.328.3131

Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DISTRICT**

MEDICAL PRIORITY CONSULTANTS
INC. dba PRIORITY DISPATCH, a Utah
corporation, and JEFFREY J. CLAWSON,
an individual,

Plaintiffs,

v.

VITALCLICK LLC, a Delaware limited
liability company,

Defendant.

**NOTICE OF SUPPLEMENTAL
AUTHORITY**

Case No. 2:17cv00116 RJS

The Honorable Robert J. Shelby

Magistrate Judge Evelyn J. Furse

Plaintiff Medical Priority Consultants Inc. dba Priority Dispatch (“Priority Dispatch”) respectfully submits this Notice of Supplemental Authority relating to VitalClick LLC’s (“VitalClick”) Motion to Dismiss.

In its briefing, VitalClick cites *U.S. v. 51 Pieces of Real Prop. Roswell, N.M.*, 17 F.3d 1306 (10th Cir. 1994). In conducting its research, counsel for Priority Dispatch did not discover *51 Pieces* and was unaware of it until it reviewed VitalClick’s Reply. While the Tenth Circuit had before and since issued decisions that may run contrary to *51 Pieces* and cause confusion as

to the state of the law,¹ Priority Dispatch apologizes to the Court for inadvertently omitting from its opposition relevant Tenth Circuit authority.

DATED: March 10, 2017.

STOEL RIVES LLP

/s/ Jordan C. Bledsoe

Timothy K. Conde

Jordan C. Bledsoe

Attorneys for Plaintiffs

¹ See *Bethley v. City of Spencer, Okl.*, 37 F.3d 1509, at *4 (10th Cir. 1994) (unpublished) (“[A] general appearance or responsive pleading by a defendant that fails to dispute personal jurisdiction will waive any defect in service or personal jurisdiction” (quoting *Benny v. Pipes*, 799 F.2d 489, 492 (9th Cir. 1986)); *Williams v. Life Sav. & Loan*, 802 F.2d 1200, 1202 (10th Cir. 1986) (“[J]urisdiction over a party may be conferred upon a court by contractual agreement of the parties, or by voluntary appearance of a party.” (internal citations omitted)).

CERTIFICATE OF SERVICE

I hereby certify that that on the 10th day of March 2017, I caused a true and correct copy of the foregoing **NOTICE OF SUPPLEMENTAL AUTHORITY** to be served electronically on the following:

H. Dickson Burton
HDBurton@TraskBritt.com
Stephen E. Pulley
SEPulley@TraskBritt.com
TRASK BRITT, PC
230 South 500 East, Suite 300
Salt Lake City, Utah 84102

Michael S. Cryan
Michael.cryan@arentfox.com
Arent Fox LLP
1675 Broadway #34
New York, NY 10019

/s/ Rose Gledhill_____